

DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CHISELS AND PROCEDURE FOR INSERTION OF SPINAL IMPLANT IN A SPINAL DISC SPACE

the specification of which is attached hereto or was filed on _____ as Application Serial No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37 Code of Federal Regulations Section 1.56(a).

I hereby claim foreign priority benefits under Title 35 United States Code Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s):

| PCT/US03/021967 (Number) | International (Country) | 11 July 2003 (Day/Month/Year Filed) | Priority Claimed Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
|-----------------------------|----------------------------|--|---|
|-----------------------------|----------------------------|--|---|

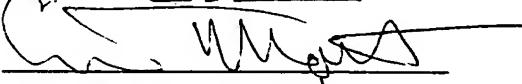
I hereby claim the benefit under Title 35 United States Code Section(s) 119 and/or 120 of any United States application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35 United States Code Section 112 I acknowledge the duty to disclose material information as defined in Title 37 Code of Federal Regulations Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| | | |
|--|------------------------------|---|
| 60/397,232 (Application Serial No.) | 19-Jul-2002 (Filing Date) | Abandoned (Status – pending provisional, patented, pending, abandoned) |
| (Application Serial No.) | (Filing Date) | (Status – pending provisional, patented, pending, abandoned) |

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: John N. Bain (Reg. No. 18,651); John G. Gilfillan, III (Reg. No. 22,746); Elliot M. Olstein (Reg. No. 24,025); Raymond J. Lillie (Reg. No. 31,778); William Squire (Reg. No. 25,378); Alan J. Grant (Reg. No. 33,389); Francis C. Hand (Reg. No. 22,280); Glennon G. Troublefield (Reg. No. 39,050); Raymond E. Stauffer (Reg. No. 47,109). Address correspondence and telephone calls to William Squire, Esq., c/o Carella, Byme, Bain, Gilfillan, Cecchi, Stewart & Olstein, 5 Becker Farm Road, Roseland, NJ 07068 - (973) 994-1700.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

100 Full name of sole or first inventor: Erik O. Martz

Inventor's signature 

Date 22 Nov 2004

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Page 2 of Declaration

Serial No.

**Title: CHISELS AND PROCEDURE FOR INSERTION
OF SPINAL IMPLANT IN A SPINAL DISC**

Docket No.: 525400.343

2-00 Full name of sole or first inventor: David Chow

Inventor's signature

David Chow

Date

12/21/04

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